

## **REMARKS**

Claims 3, 12, 13, 17-20, 22-24, 27, 28, 30, 31, 34-37, 40, 41, 43, 45, 46, 50, and 51 are pending in the application, claims 1 and 10 being canceled and replaced with new claims 50 and 51 herein. Claims 15, 16, 21, 47-49 and claims 2, 4-9, 11, 14, 25, 26, 29, 32, 33, 38, 39, 42 and 44 were canceled previously. Claims 22, 24, 50, and 51 are the only independent claims.

Claims 22-24, 27, 28, 34-37, 40, 41, and 43 have been withdrawn from consideration owing to a restriction requirement. Accordingly, only claims 3, 12, 13, 17-20, 30, 31, 45, 46, 50 and 51 are currently under examination.

### ***Interview***

Applicant wishes to thank the Examiner for the courtesy of the telephone interview of 20 August 2009. During the interview, applicant, the undersigned attorney for applicant, the Examiner and the Examiner's supervisor discussed selected limitations from claims 1 and 10 with reference to the cited patents U.S. Patent No. 5,944,654 to Crawford and U.S. Patent No. 4,646,722 to Silverstein et al. and an additional claim limitation.

Applicant has canceled independent claims 1 and 10 and added new claims 50 and 51 herein to distinguish the prior art particularly the Crawford patent and to accord with the discussion of the additional limitation during the interview of 20 August 2009.

During the interview, a divergence of opinion arose as to the meaning of the word “strip” in claim 1, and as to how a portion of a wall of a tubular member (31, 32 in Figure 2 of Crawford) could be a strip, and as to whether a tubular member could removably attached to edges of a slot. Consequently, it was proposed to include an additional limitation to explicitly define the closure strip. It was agreed that independent claims 1 and 10 would distinguish over the cited art if amended to recite that the closure strip or member includes a pair of parallel longitudinal edges that engage the opposing edges of the slot in the endoscope insertion member. New independent claims 50 and 51 incorporate this new limitation, and care has been taken to include all of the limitations of the prior version of claim 1. The specification has been amended to provide antecedent basis for the new claim language.

#### ***Claims Rejections - 35 U.S.C. §§ 102 and 103***

Claims 1-3, 12, 13, 20, 30, 31, 45 and 46 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,944,654 to Crawford.

Claim 10 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,646,722 to Silverstein et al.

Claims 17-19 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent NO. 5,944,654 to Crawford in view of U.S. Patent No. 6,585,642 to Christopher.

**Amendments** Pursuant to the telephone interview with the examiners, as discussed above, applicant has drafted new independent claims 50 and 51 to provide an explicit definition of the closure member or strip as having parallel longitudinal edges.

The flat portion (31, 32) of the tubular insert of Crawford is not a closure member or strip having parallel longitudinal edges.

Pursuant to applicant's invention as described in new independent claims 50 and 51, the longitudinal edges of the closure member or strip are in engagement with respective opposing edges of the slot in the endoscope insertion member, thereby closing the slot. As explained by applicant during the telephone interview of 20 August 2009, applicant's closure member serves to prevent any tube inside the slot from popping out of the slot at the location of a sharp bend in the endoscope during use, thereby sparing patients' potential injuries.

Neither Crawford nor Silverstein et al. disclose a closure member or strip having parallel longitudinal edges or such a closure member or strip where the longitudinal edges are disposed in engagement with respective opposing edges of the slot in the endoscope insertion member, thereby closing the slot.

The dependent claims have been amended to accord with the new independent claims.

An extension request is enclosed herewith.

### ***Conclusion***

For the foregoing reasons, independent claims 50 and 51, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.


Dependent claims not specifically argued herein are patentable in part because their respective independent claims are patentable. Concomitantly, the rejections of the dependent claims are moot in view of the amendments and arguments presented herein.

The claim amendments, if any, made herein are made without prejudice to applicants' right to pursue additional subject matter in a separate continuation or divisional application.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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